

4415. Misbranding of "Neal's Olivfoam." U. S. v. To-Kalon Mfg. Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 6255. I. S. No. 48-h.)

On November 3, 1915, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the To-Kalon Mfg. Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 26, 1913, from the State of New York into the State of Missouri, of a quantity of "Neal's Olivfoam," which was misbranded. The article was labeled: (On bottle) "Neal's Olivfoam The Soap Ideal (cut of two olives suspended from leafy branch) Guaranteed by To-Kalon Mfg. Co. under the Food & Drugs Act, June 30, 1906. Serial Number 16029 To-Kalon Mfg. Co. 7 Rue Auber—Paris London—Syracuse, N. Y." (Blown in back of bottle) Two olives suspended from leafy branch. (On carton) "Neal's Olivfoam The New Liquid Soap Ideal for the Bath, Shampoo, and General Toilet Purposes. Unexcelled for the relief of Dandruff, Falling Hair, and Shampooing the Scalp. Olivfoam is an absolutely pure soap, which will not injure the skin or complexion. Guaranteed under the Food and Drugs Act. Serial No. 16029. By the To-Kalon Manufacturing Co. 7 Rue Auber, Paris. London, Eng. Syracuse, N. Y. Neal's Olivfoam Directions First wet the hands with water, then pour small quantity of the Olivfoam into the palm; rub the hands briskly until a good lather is produced. To cleanse the face, rub this lather over the skin with the hands wash cloth or sponge. Neal's Olivfoam will not injure the most delicate skin. Important to Physicians and Trained Nurses Neal's Olivfoam is a thoroughly Antiseptic Soap, Medicated with Chemically Pure Borax, in the form of Boroglycerine. It is of exceptional value in producing surgical cleanliness. Unexcelled for removing dirt, softening and whitening the skin, healing chapped hands, and eradicating skin blemishes. Price 35 cents To-Kalon Manufacturing Co. 7 Rue Auber, Paris, London, Eng., Syracuse, N. Y. Beware of Imitations. The marvelous success that has been obtained by Neal's Olivfoam has caused a number of spurious imitations. In purchasing a liquid soap, always ask for Neal's Olivfoam thus avoiding danger of securing a cheap soap which may do more harm to your skin in one month than can be undone in six months or a year. If you always insist upon getting Neal's Olivfoam you may be assured of having an absolute pure soap which will not injure the skin or complexion." (On both ends) "Neal's Olivfoam." The pamphlet or circular accompanying the article contained, among other things, the following: "Olivfoam overcomes the falling out of the hair by supplying nourishment to the hair roots." "The contents of every bottle of Olivfoam is guaranteed under the Food and Drugs Act not to contain in excess of 10 per cent. of spirit alcohol."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an aqueous solution of soap, borax (approximately 1 per cent), and glycerin; alcohol, absent. The fatty material from which the soap was made was not all olive oil, but probably consisted of approximately equal parts of olive oil and coconut oil. Bacteriological examination of a sample of the article by the said Bureau of Chemistry showed that a 50 per cent solution gave an antiseptic action when tested against a 24-hour filtered culture of *Bacillus typhosus*.

Misbranding of the article was alleged in the information for the reason that the following statement regarding its identity and its ingredients, appearing on the label of the carton aforesaid, to wit, "Neal's Olivfoam is a thoroughly Antiseptic Soap," was false and misleading in that it indicated to purchasers

thereof that it contained ingredients which, when applied to the skin or scalp as directed in the label, would render its action thoroughly antiseptic, when, in truth and in fact, it did not contain such ingredients, but contained ingredients which, when so applied, would have little, if any, antiseptic action. Misbranding was alleged for the further reason that the following statement appearing in the circular or pamphlet accompanying the article, to wit, "The contents of every bottle of Olivfoam is guaranteed under the Food and Drugs Act not to contain in excess of 10 per cent. of spirit alcohol," was false and misleading in that it indicated to purchasers thereof that the article contained alcohol, the total amount of which did not exceed 10 per cent, when, in truth and in fact, it did not contain any alcohol. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the article, appearing in the circular or pamphlet aforesaid, to wit, "Olivfoam overcomes the falling out of the hair by supplying nourishment to the hair roots," was false and fraudulent in that the same was applied to said article knowingly, and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for overcoming the falling out of the hair, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients.

On November 8, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*